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## **Russian Federation**

### **Food and Agricultural Import Regulations and Standards - Narrative**

### **FAIRS Country Report**

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**Report Highlights:**

This report is an overview of both general and commodity-specific requirements of Russian Federation government agencies for imported foodstuffs. Substantial sections of this report have been updated from the 2009 FAIRS report including: Section I. Food Laws, Section III. Packaging and Container Regulations, Section IV. Food Additive Regulations, Section V. Pesticides and Other Contaminants, Section VI. Other Regulations and Requirements, Section VIII. Copyright and Trademark Laws, Section IX. Import Procedures.

## **Executive Summary:**

The USDA Foreign Agricultural Service offices in Moscow, St. Petersburg and Vladivostok, Russia, prepared this report for U.S. exporters of domestic food and agricultural products. While the USDA offices in Russia took every possible care in preparing this report, information provided may not be completely accurate either because policies have changed since its preparation, or because clear and consistent information about these policies was not available. FAS Russia highly recommends that U.S. exporters verify the full set of import requirements with their foreign customers before any goods are shipped. They are normally the best equipped to research such matters with local authorities. Note: FINAL IMPORT APPROVAL OF ANY PRODUCT IS SUBJECT TO THE IMPORTING COUNTRY'S RULES AND REGULATIONS AS INTERPRETED BY BORDER OFFICIALS AT THE TIME OF PRODUCT ENTRY.

This report is an overview of both general and commodity-specific requirements of Russian Federation government agencies for imported foodstuffs.

Despite Russia's ongoing preparation for WTO accession, agencies' control over imported foodstuffs remains complicated and bureaucratic. Barriers to trade depend on the type of product, customs clearance location, importer's status, and other non-transparent factors.

Russian government Resolution No. 159 (March 24, 2006) and Resolution 761 (September 28, 2009) provide Russia with avenues for not only applying international standards in lieu of divergent Russian regulations, but also the mandate to conduct a review of regulations which are divergent and correct them where they cannot be scientifically justified. However, in practice, Russia has taken no real steps forward in this regard. Recently, Russia has chosen to defer to the regulations of the Customs Union as the supreme authority for guidance, even though they remain its primary drivers of policy.

## **Section I. Food Laws:**

### Introduction

It is recommended that customs clearance be carried out by an agency located in the country where the customs clearance must be performed, or at least by a representative of this party *in situ*. Import permits are issued in the name of physical or legal entities that are officially registered in the territory of the Russian Federation with the Russian tax authorities. Typically, a product's exporter handles export customs-clearance and the product's importer handles import customs-clearance.

Exporting products into the Russian Federation can be a difficult task for inexperienced U.S. exporters, because import requirements and customs clearance rules frequently change. Therefore, it is recommended that the importer, with the help of up-to-date information sources, check all import documents closely and not violate Russian laws and Russian agencies' product-specific regulations.

Important mandatory requirements for safety and identification are articulated not only in the national sanitary and regulatory documents, such as the Sanitary Rules and Regulations ("SanPiN"), national standards (known by

the Russian abbreviation “GOST”), and technical regulations but also in supranational requirements of the Russia-Belarus-Kazakhstan Customs Union.

It is important that the importer acquires such documents as the Sanitary and Epidemiological Conclusion, the Certificate of Conformity, or receives approval of the Declaration of Conformity prior to the arrival of consignments. The Certificate of Conformity or Declaration of Conformity is issued by Russian authorities in the name of importer (based on samples and documentation provided by the exporter). Receiving certificates or approval of declarations in advance makes it possible to spend less time and reduce costs during customs clearance. Since mid-February 2010 Russia started replacing the system of mandatory certification of conformity of major consumer goods, including food, alcohol and cosmetics, with a system of declaration of conformity (for more information see GAIN RS1015 Declaration of Conformity Replaces Certification for Many Products, 3/22/2010<sup>1</sup>). However, the procedure for getting approval of Declaration of Conformity from the Russian certifying bodies is very similar to getting Certificates of Conformity. For food products securing a Declaration of Conformity may be difficult due to deviations from national standards for food safety and consumer quality indices.

For food products of animal origin an import (veterinary) permit is needed. For products of plant origin an import quarantine permit is necessary if these products are in the group of products of high phytosanitary risk. Both Veterinary and Quarantine permits are needed for fodder crops and feeds. Import (veterinary) Permits and Import Quarantine Permits are issued by different divisions of the Russian Federal Service for Veterinary and Phytosanitary Surveillance (VPSS) either after inspection of cargo or/and on the basis of relevant certificates of the exporting country submitted to VPSS by importer.

After creation of the Customs Union of Republic of Belarus, Republic of Kazakhstan and the Russian Federation in December 2009, the three countries began developing unified sanitary, phytosanitary, veterinary requirements and technical regulations. The completion of a unified regulatory system is envisaged by 2012, and until then national systems are valid in these countries. However, some unified veterinary, sanitary and phytosanitary regulations have already been adopted by December 2010, and have amended some Russian national legislature and Russian principle regulatory documents on foodstuffs.

#### Russian Legislation and Principal Regulatory Documents on Foodstuffs

The Russian Federation ranks federal laws regarding foodstuffs, including foodstuffs of foreign origin, as follows:

##### 1. Federal Laws:

- Federal Law On Protecting Consumer Rights No. 2300-1 of February 7, 1992 (with the Amendments and Additions of June 2, 1993, January 9, 1996, December 17, 1999, December 30, 2001, August 22, 2004, November 2, 2004, December 21, 2004, July 27, 2006, October 16, 2006, November 25, 2006, October 25, 2007, July 23, 2008, June 3, 2009, and November 23, 2009);

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<sup>1</sup> GAIN reports from 2009 onward can be found using the search engine at this website:  
<http://gain.fas.usda.gov/Lists/Advanced%20Search/AllItems.aspx>

- Federal Law On The Quality And Safety Of Food Products No. 29-FZ (with the Amendments and Additions of December 30, 2001, January 10, 2003, June 30, 2003, August 22, 2004, May 9, 2005, December 5, 2005, December 31, 2005, March 31, 2006, December 6, 2006, June 12, 2008, July 23, 2009, October 27, 2008, December 22, 2008, and December 30, 2008);
- Federal Law On The Sanitary And Epidemiological Well-Being Of The Population No. 52-FZ (as amended on December 30, 2001, January 10, 2003, June 30, 2003, September 22, 2004, May 09, 2005, and December 31, 2005, December 18, 2006, December 29, 2006, December 30, 2006, June 26, 2007, November 8, 2007, December 1, 2007, June 12, 2008, October 27, 2008, and December 22, 2008);
- Federal Law On State Regulation In The Sphere Of Genetic Engineering Activities No. 86-FZ of July 5, 1996, as amended by the Federal Law No. 96-FZ of July 12, 2000, Federal Law No. 313-FZ of December 30, 2008, and Federal Law No.262-FZ of October 4, 2010;
- Federal Law on Technical Regulation No. 184-FZ of December 27, 2002 (as amended on May 9, 2005, May 1, 2007, December 1, 2007, July 23, 2008, July 18, 2009, November 23, 2009, December 30, 2009, September 28, 2010)
- Federal Law On State Regulation Of The Production And Handling Of Ethyl Alcohol, Spirits, And Products Containing Alcohol No. 171-FZ of November 22, 1995 as amended as of July 27, 2010 by Federal Law № 227);
- Federal Law No. 268-FZ of December 22, 2008 “Technical Regulation for Tobacco Products”: Federal Law No. 178-FZ of October 27, 2008 “Technical Regulation for Juice Products from Fruits and Vegetables”;
- Federal Law No. 90-FZ of December June 24, 2008 “Technical Regulation for Oils and Fats Products”;
- Federal Law No. 88-FZ of December June 12, 2008 “Technical Regulation for Milk and Dairy Products”, as amended by the Federal Law No. 163-FZ of July 22, 2007

2. Russian Government Documents that influence production and trade in agricultural and food products, such as Government Resolution #982 of December 2009 “On Approval of the Unified List of Products Subject to Mandatory Certification and the Unified List of Products for which the Confirmation of Conformity is Made in the Form of a Declaration of Conformity”.

3. Regulatory documents of the bodies of executive power of the Russian Federation (SanPiNs, GOSTs, Hygiene Requirements, etc.) The major documents are the following:

- Hygienic Requirements For Foodstuff Safety and Nutrition (in force as SanPiN 2.3.2.1078-01 since July 1, 2002) with several recent additions and amendments. The latest amendment, #21, was registered by the Ministry of Justice on December 21. It expands the restrictions of frozen poultry meat in used for select processed meat products;
- General Requirements For Providing Consumer Information Regarding Foodstuffs (GOST P 51074-2003); and
- Hygienic Requirements for Food Additives (Sanpin 2.3.2.1293-03) with two recent additions and amendments including major Additions and Amendments No. 1 to SanPiN 2.3.2.1293-03 (SanPiN 2.3.2.2364-08) of May 2008;
- Hygiene Norms for Chemicals and Pesticides in the External Entities (HN 1.2.1323-03) with 14 additions. The Norms determine MRL for chemicals and pesticides in objects of environment, including agricultural crops.

4. Regulatory documents of the Customs Union in the sphere of sanitary, veterinary, phytosanitary, and technical regulation, control if these documents already came to force. The Customs Union documents can be found in the Decisions of the Commission of the Customs Union on the site:

<http://www.tsouz.ru/db/techregulation/Pages/default.aspx> .

#### Russia's State Regulatory Bodies for Imported Foodstuffs

The Federal Veterinary and Phytosanitary Surveillance Service, known also by the Russian abbreviation Rosselkhoz nadzor, and in the West as VPSS, monitors veterinary and phytosanitary conditions within Russia and enforces Russian legal requirements for veterinary and plant health. It has veterinary and phytosanitary authority at Russia's borders and within Russia's interior. VPSS is responsible for protecting the Russian Federation from imports infected with contagious animal diseases, plant pests and plant disease pathogens, quarantine plants and weeds, and any other consignments it believes pose a threat according to its sanitary and phytosanitary standards.

The Federal Service for the Protection of Consumer Rights and Human Well-Being of the Ministry of Health and Social Development, also known as Rospotrebnadzor, is responsible for food and foodstuff safety.

Rospotrebnadzor may prohibit the transport and sale of products that do not meet official requirements.

Other state bodies regulating imported goods and foodstuffs include:

The Federal Service for Technical Regulation and Metrology, also known as Rostekhnregulirovaniye, is part of the Ministry of Industry and Trade. Rostekhnregulirovaniye manages product assessment, processing, and servicing to determine if products conform to national standards and certification criteria.

The Federal Customs Service of Russia (FTS) regulates foreign economic activity with a system of customs fees, duties, and charges. Three agencies carry out customs control: the Federal Customs Service of Russia, the provincial departments of Customs, and the Customs House and Customs Post.

The Ministry of Industry and Trade regulates non-tariff external economic activity including licensing and quota administration, while the Ministry of Economic Development determines import quotas..

Contact information for certification agencies and entities is at the end of this report.

#### Recent Changes

Russian phytosanitary requirements were adjusted in accordance with the Customs Union Commission Decisions No. 318 (June 18, 2010) and No. 454 (November 18, 2010). The new list is shorter than the previous one and excludes some non-agricultural products, deeply processed agricultural products, and some food products in retail packs (for more information see GAIN report RS1068 FAIRS Export Certificate Report).

Russia's requirement that in order to obtain an import permit for animals, products of animal origin, pharmaceutical products, feed and feed additives the exporter must be on a list of enterprises that are inspected by the State Veterinary Service has carried over into the requirements of the customs union. Recent indications

from the Russian government official indicate that enterprises on these lists will need to be approved by veterinary authorities from Belarus and Kazakhstan as well. Currently the United States has active lists for beef, pork, prepared meat, poultry, feed, pet food and fish. Referencing guidance of Customs Union Decision 317 (June 18, 2010) as amended by Decision 342 (August 17, 2010), Russia is no longer allowing dairy products until a list is established. VPSS can use this guidance to refuse imports of virtually all products under Customs Union veterinary control, which do not have established lists..

### Principal Requirements for Food Safety

The Hygienic Requirements for Foodstuff Safety and Nutritional Value (SanPiN 2.3.2.1078-01, as amended by several recent SanPiNs) details general requirements for food safety. SanPiN 2.3.2.1078-01 forms the regulatory basis for the activity of all individuals and organizations involved in foodstuff production, importation, and distribution. It also regulates organizations engaged in retail and public catering. SanPiN 2.3.2.1078-01 additionally establishes hygienic requirements for substances and materials that come into contact with foodstuffs. Based on SanPiN 2.3.2.1078-01 and the regulations of the Customs Union, Rospotrebnadzor oversees the domestic foodstuffs market in Russia.

### **Section II. Labeling Requirements:**

The general requirements for labeling food products are stipulated in the federal law, “On Protecting Consumer Rights.” However, the details on labeling are prescribed by special GOSTs. The primary legislation is “The General Requirements for Consumer Information Regarding Foodstuffs, GOST P 51074-2003”, which came into effect on July 1, 2005. This standard incorporates the Codex Alimentarius International Food-Packaging Standards [Codex Stan 1-1985 (Rev.1-1991)]. Among other things, GOST P 51074-2003 regulates pre-packaged food sold either in retail or wholesale markets that supplies public catering facilities, schools, children’s facilities, therapeutic facilities, and other facilities directly servicing consumers. GOST P 51074-2003 establishes general requirements for product information that must be provided to customers.

The following information must be presented in the Russian language: data about the manufacturer (including the organization authorized to accept claims from consumers), country of origin, trademark, net weight or quantity, composition, nutritional value based on the specificity of the product, storage conditions, use-by date or shelf-life expiration date, regulatory or technical documents with which the products can be identified, [1] confirmation of conformity, and other data.

GOST P 51074-2003 also requires labeling of the following:

- food additives, biologically active additives, flavorings, components of non-traditional composition (including components from raw materials containing protein that does not exist naturally and was added while manufacturing the product); and
- food products that are products of biotechnology, obtained from products of biotechnology, or contain components from products of biotechnology.

For products with biotech components, information must be provided when these components contain more than the permitted level of biotech ingredients. In 2007 the amendments to the federal law on Protecting Consumer Rights and to SanPiN 2.3.2.1078-01 set a 0.9 percent threshold for each biotech (genetically modified material -

GMM) component in food products for mandatory labeling [2] . The information on the label must read (in Russian):

- for products containing viable GMM – “Product contains live genetically modified microorganisms”;
- for products containing unviable GMM – “Product is obtained based on genetically modified microorganisms”;
- for products that are free from technological GMM or for products obtained based on components free from technological GMM – “Product have components that are obtained based on genetically modified microorganisms” [3]

The manufacturer may list the basic mineral substances and vitamins inherent in the product without indicating their quantity. Manufacturers are required to list a recommended daily allowance in accordance with established procedures.

If more than 2 percent of the recommended daily allowance of proteins, fats, carbohydrates, or calories is included in a 100-gram serving, this information must be included on the label. The label must also indicate if a 100-gram serving contains more than 5 percent of the daily recommended allowance of minerals or vitamins. GOST P 51074-2003 covers all special requirements for nutrition labeling. GOST P 51074-2003 seeks to incorporate international standards in order to prevent technical trade barriers from arising during international transactions. It is intended to provide an objective and trustworthy method for assessing the quality and safety of products in Russia.

Information requirements have been clarified since the previous GOST (R P 51074-97) for the following food categories:

- Meat and meat products;
- Poultry meat;
- Eggs and processed egg products;
- Milk, dairy products, and products containing milk;
- Fish, non-fish fishery products, and products manufactured from fish;
- Canned products;
- Preserved fish and seafood;
- Wine products;
- Products manufactured by the beer and non-alcoholic beer industry;
- Malt beverages;
- Beverages manufactured with grain as a raw material; and
- Low-alcohol beverages.

The general requirements [4] for the Russian information label are:

- Product name;
- Product type, grade, or category;
- Name, country, address of producer, packer, exporter and importer;
- Product weight (net and gross) or volume;

- Product nutritional quality;
- Ingredients;
- Date of processing;
- Storage conditions;
- Shelf life; and
- Conformity stamp (RST).

In 2008 Russia adopted hygienic requirements for organic food products [5] , and since July 1, 2008 a product may be labeled “organic” only if it was produced, transported, stored, handled and distributed in accordance with the requirements.

The labeling of diet products, baby-food, other special products shall meet special requirements stipulated for these products in relevant GOSTs and in SanPiN 2.3.2.1078-01.

[1] This requirement is not mandatory for products manufactured abroad.

[2] Please see also GAIN Report RS7053 “Russia Establishes 0.9 percent Threshold for Biotech Labeling”.

[3] Addition #6 to SanPiN 2.3.2.1078-01

[4] Please note that there are also product-specific requirements.

[5] GAIN report RS8045 Organic Products / New SanPiN for Organic Products 2008

### **Section III. Packaging and Container Regulations:**

Foodstuff packaging, currently regulated by 169 GOST standards, vary by type of packaging. Hygienic standards have been created for materials that come into contact with foodstuffs listed in HN 2.3.3.972-00. HN 2.3.3.972-00 also specifies the maximum permissible quantities of chemical substances allowed to escape from materials in contact with foodstuffs. Packing materials and transport containers must have completed sanitary and epidemiological inspection and have a certificate of conformity. GOST P ISO 3394-99 establishes the permitted size, shape, and material of transport containers.

Many products imported into Russia must meet product-type-specific packaging requirements. Packaged grains, for example, must be packaged in air-permeable materials as stated in the Ministry of Agriculture’s Order No. 681 of September 3, 2002.

Specifications for packaging are a vital part of each commercial contract. Before signing a contract, the importer should research the specific packaging requirements and advise the exporter accordingly.

Packaging (e.g., cardboard or paper boxes, plastic or polymer packets, bottles or cans) that comes into direct contact with products must be certified.

Air, water, and steam affect some products. Therefore, the permeability of the packaging material to gas, steam, water, fats, and odors is an important requirement. For instance, chilled meat must be packaged in material with low-vapor permeability in order to prevent the loss of moisture. The material must also have a specific gas-permeability to preserve the color. Products must be packed reliably, taking into account their nature, the method of transport, and storage temperatures.

Sanitary and hygienic requirements must also be used when selecting food packaging. Packing material may not be manufactured from highly toxic compounds having cumulative characteristics, including carcinogenicity, mutagenicity, or allergenicity. The material must not change the organoleptic or nutritional qualities of the foodstuffs, and it may not discharge hazardous substances in excess of permissible levels.

Please see the GOST P 51074-2003.

#### **Section IV. Food Additives Regulations:**

Controls and regulations on food additives are included in Section 9 of SanPiN 2.3.2.1078-01 and SanPiN-2.3.2.1293-03, Hygienic Requirements for Food Additives. These rules establish safety requirements for food additives in order to make products safe for human consumption. The total list of allowed food additives consists of several hundred names and is given in Attachments 1, 3, 4, 5, 6 to the SanPiN 2.3.2.1293-03. Rospotrebnadzor may prohibit or add food additives based on safety tests. A current version of SanPiN 2.3.2.1293-03 with amendments, including the list of allowed food additives is available on the website of the Scientific Research Institute of Nutrition of the Russian Academy of Medical Sciences: <http://ns.ion.ru/SanPiN-2.3.2.1293-03.html>

Rospotrebnadzor has recently issued a draft Resolution, dated by December 15, 2010, on the Amendments and Changes No. 3 to SanPiN 2.3.2.1293-03, which is currently available on their website at <http://www.rospotrebnadzor.ru/documents/projects/45908/>. The amendments will become effective upon registration by the Ministry of Justice.

#### **Section V. Pesticides and Other Contaminants:**

Russia enforces its own permissible content levels for pesticides and contaminants in domestic and imported products. The Maximum Residue Levels (MRLs) for pesticides and agrochemicals in agricultural crops are developed and established by two different independent agencies.

Rospotrebnadzor at the Ministry of Health develops the MRLs for pesticides and agrochemicals. These norms are summarized in a document called “Hygiene Norms (HN) for Chemicals and Pesticides in the External Entities (HN 1.2.1323-03)” and in fourteen amendments to these Norms (for more information see GAIN RS1029 Sanitary/PhytoSanitary/Food Safety, Update on MRLs for Pesticides and Chemicals in Agricultural Crops 6/22/2010). The MRLs are structured in the tables by names of active substances, and specified for different external entities: soil, air, water, human body, crops. Rospotrebnadzor’s SanPiN 2.3.2.1078-01 “Hygienic Requirements for Safety and Nutritional Value of Food Products” also provides general MRLs of pesticides for different groups of food products. SanPiN 2.3.2.1078-01 also mandates that the level of pesticide residue allowed in raw materials (e.g., in grain or vegetables) should be tested for each product.

Another government agency, VPSS at the Ministry of Agriculture, examines, approves and registers pesticides and agrochemicals, which can be used in Russia. It regulates application procedures and the use of officially registered pesticides. Information on the registered pesticides and agrochemicals and on application procedure for registration of new chemicals can be ordered by e-mail at [info@svfk.mcx.ru](mailto:info@svfk.mcx.ru). The updated information on the registered pesticides and chemicals (the last update is November 2010) is available on the site: <http://www.fsvps.ru/fsvps/laws/1278.html>. The catalogue contains the name of chemical, name of registrant, date of registration and expiration date. Chemical agents not listed in this catalogue are banned from use and their

residue is not allowed in or on foodstuffs. VPSS also controls MRLs for pesticides and agrochemicals in agricultural crops grown and imported into Russia. The basis for this control is developed by Rospotrebnadzor.

For more information on pesticides control and MRL's in imported agricultural and food products see Post's GAIN reports MRLs for Pesticides and Chemicals in Agricultural Crops 04-22-2009, VPSS Controls Pesticides in Plant Products 05-07-2009, and Update on MRLs for Pesticides and Chemicals in Agricultural Crops 06-22-2010.

However, recently VPSS has taken the latest Customs Union document on Requirements to Pesticides and Agrochemicals (Article 11 of section 2 "Changes to Sanitary Requirements" of the Decision of Customs Union Commission No. 341 of August 18, 2010) as the guidance document for MRL control. This document actually summarizes the original Russian Hygiene Norms (N 1.2.1323-03) and all 14 additions and amendments to these norms. These requirements de facto have already become mandatory for Russia, although information on the exact date when VPSS switched to the Customs Union document is not available.

## **Section VI. Other Regulations and Requirements:**

SanPiN 2.3.2.1078-01 establishes specific requirements for safety with respect to various groups of foodstuffs. Appropriate sections of this report contain information about these requirements.

### General Requirements for Products of Plant Origin

Three international documents form the basis of Russian phytosanitary requirements:

- the International Plant Protection Convention,
- the WTO agreement on Sanitary and Phytosanitary Measures, and
- the Food and Agricultural Organization International Standards on Phytosanitary Measures.

Phytosanitary regulation applies to all imports of plants and products of plant origin. The Federal Legislation on Plant Quarantine of July 15, 2000 and the Ministry of Agriculture's Order No. 681 of September 3, 2002 still state the main requirements. The latter deals specifically with plant quarantine when importing, storing, transporting, or using grain or grain products used for food, feed, or processing.

The Ministry of Agriculture and VPSS have issued a number of regulatory documents that clarify the quarantine requirements for products being imported into or transported domestically within Russia. In summer 2010 the Ministry of Agriculture replaced the previous List of Agricultural and Food Products Subject to Quarantine Phytosanitary Control with the new List adopted by the Customs Union Commission Decision No. 318 of June 18, 2010. This list consists of two product groups: commodities which require phytosanitary certificates from the exporting country, and commodities which do not require phytosanitary certificates from the exporting country in order to receive an import quarantine permit. The document is published on the VPSS site:

<http://www.fsvps.ru/fsvps/laws/1177.html>.

Phytosanitary certificates are not presently required for some goods of plant origin, including some deeply processed agricultural products, like protein concentrates, and some products in consumer packs, like roasted coffee in consumer packs. However, for food products in consumer packs Rospotrebnadzor usually requires

sanitary-epidemiological certification or registration for these goods.

VPSS and the Russia's Federal Customs Service can amend phytosanitary regulations. Additionally, the Federal Customs Service may add, drop, or amend tariff codes. However, since creation of the Customs Union all new amendments should be coordinated with other members of the Customs Union, and approved by the Customs Union Commission. Therefore, it is imperative that Russian-speaking employees of importers or exporters monitor these changes.

In order to bring Russian rules on plant quarantine into conformity with the Customs Union goals, as well as with European and WTO standards, the government is developing the new Federal Law on Plant Quarantine, but in the meantime old regulations are still in force. Thus, the List of Pests, Plant Diseases, and Weeds with Quarantine Issues has not changed since 2007 despite harmonization of quarantine policy within the Customs Union. The List of quarantine pests can be found at <http://www.fsvps.ru/fsvps/laws/238.html>.

The List of Pests, Plant Diseases, and Weeds with Quarantine Issues contains the following sections:

- I. Quarantine organisms not present in Russia
  - a. Plant pests
  - b. Plant diseases
  - c. Weeds
- II. Quarantine organisms of limited presence in Russia
  - a. Plant pests
  - b. Plant diseases
  - c. Weeds

Several Ministry of Agriculture guidelines also regulate trade, including:

- Conditions for Using Imported and Domestic Grain and Grain Products, and List of Approved Facilities (1999); and
- Order No. 61 of April 4, 2006, On Temporary Procedures to Issue Permission for Imported Products Subject To Quarantine Procedures.

Any product subject to quarantine regulations can only be cleared at authorized customs temporary storage facilities as stated in the Ministry of Agriculture's Order No. 220 of August 3, 2005.

By now the Customs Union has adopted several regulations in the sphere of quarantine. One document, the list of products subject to phytosanitary control, is already valid for Russia. The status of other documents, such as Rules of Quarantine, Phytosanitary Control at the Customs Union Border and on the Territory of the Customs Union (Attachment to Customs Union Commission Decision #318 of June 18, 2010: <http://www.tsouz.ru/db/techregulation/fitosan/Pages/default.aspx>) is not clear. Before the new Russian Federal Law on Plant Quarantine is adopted, and before the Russian phytosanitary system is fully harmonized with Customs Union documents, the Russian phytosanitary control is de-facto based on the old Ministerial regulatory documents. Thus, the Ministry of Agriculture's Order No. 163 of March 14, 2007, On Organizing Activities To Issue Phytosanitary And Quarantine Certificates" that regulated all procedures of quarantine

control, certification and issuance of import quarantine permits is still available on the VPSS's web-site, with the note that it is not valid any more. Other ministerial documents on phytosanitary control, such as Order of the Minister of Agriculture #160 of April 22, 2009 "On approval of Rules of Quarantine Phytosanitary Examination", and the Order # 269 of July 9, 2009 "On the Approval of Procedure of Quarantine Phytosanitary Monitoring on the Territory of the Russian Federation" and some other valid regulatory documents are available on the site: <http://www.fsvps.ru/fsvps/laws/class/20/65>.

De facto an import quarantine permit is mandatory for the products of high phytosanitary risk to be brought into the Russian Federation, transported within Russia, or taken out of a phytosanitary quarantine zone. VPSS issues import quarantine permits from its headquarters or from regional offices closer to where the products will be delivered. For products exported from the Russian Federation VPSS issues phytosanitary certificates and tries to meet importer's phytosanitary requirements. Procedure of issuance of import quarantine permits remains the same as it was described in the Order No. 163 of March 14, 2007, and as was described in the 2009 FAIRS report. But both the phytosanitary service of Russia and the industry are awaiting the new MinAg regulatory documents that will soon be issued in implementation of the Customs Union unified requirements in the sphere of plant quarantine and phytosanitary control. In very general terms phytosanitary requirements for the Customs Union were specified by the Customs Union Commission Decision No. 318 of June 18, 2010.

VPSS will issue phytosanitary and quarantine certificates and permits only in the name of the physical or legal entity registered in the territory of the Russian Federation with the Russian tax authorities.

If authorities detect a quarantined organism during quarantine inspections at border checkpoints, they have the right to decontaminate the shipment or return the shipment to the exporter. If decontamination is not possible, the authorities may dispose of the shipment in a manner compliant with phytosanitary rules.

Some products of plant origin such as fodder, grains, soybeans, and feeds also should meet VPSS's veterinary requirements, and should be accompanied by the veterinary certificate issued by the exporting country.

Since 2000 the Russian government has required registration of biotechnology crops (events) and has monitored marketing of products derived from products of biotechnology. Russia currently allows 17 kinds of biotechnology crops to be legally imported to Russia for food use, including nine corn varieties, four soybean varieties, one rice variety, one sugar beet variety, and two potato varieties. Of these 17 varieties, 12 are also registered for feed use, including eight corn varieties and all four soybean varieties (for details please see Post's GAIN report Biotechnology Annual 2010 7/16/2010. According to the current Russian legislation up to 0.9 percent of each biotech ingredient is considered adventitious and does not require labeling. Feeds are not subject to labeling. VPSS's instruction defines feed as biotech free if 0.5 percent or less of each component contains a non-registered biotech product, and if 0.9 percent or less of each component contains any registered biotech products.

#### Additional Data

Certificates are issued for each lot of a product. A lot is a specified quantity (depending on the product) that meets the following requirements:

- the product was manufactured at one facility,
- the entire lot was manufactured during the same month, and
- the entire lot was transported in the same vehicle.

All of the above criteria must be met in order for a product to be described as a single lot. If, for example, products arrive in the same vehicle but were manufactured during different months, separate certificates and packaging descriptions will be assigned.

[1] For details see Post's GAIN report Imported Products Under Quarantine and Phytosanitary Control 07-23-2009

### **Section VII. Other Specific Standards:**

1. Most Russian standards are codified in the State Standards (GOST). The website [www.gost.ru](http://www.gost.ru) includes a search engine and a list of recently published standards in Russian.

2. The Sanitary Rules and Norms (SanPiN) are de-facto standards, though they are not formally classified as such. The latest SanPiNs are available online in Russian at <http://www.rospotrebnadzor.ru/>. Earlier SanPiNs are only available in hard copy.

3. Federal agencies and services such as VPSS and Rospotrebnadzor may develop other rules from time to time. One example is the biotech-content threshold. As these are ad hoc, traders must closely monitor announcements of new rules that serve as de facto standards.

### **Section VIII. Copyright and/or Trademark Laws:**

Trademark and intellectual property laws are based on the Federal Law No. 3520-I of September 23, 1992. This law governs trademarks, service marks, and geographic appellations.

The government amended this law by passing Federal Law No. 166 on December 11, 2002. These amendments were made to facilitate Russia's integration into the global economy and WTO accession. The legislation seeks to better protect registered trademarks by defining infringing goods and facilitating the physical disposal of infringing products that have been seized.

The law also offers a mechanism to contest intellectual property rights violations and bring suit for the illegal use of trademarks. These new procedures help ensure respect for applicants' rights. The amendments help clarify the standards and procedures for registering trademarks, grounds for the denial of trademark registration, and methods for contesting trademark usage verdicts.

In Russia matters of intellectual property were clarified in 1992 with the passage of a series of laws regulating intellectual property rights. These laws constitute the primary source of intellectual property law in the Russian Federation, and despite a number of amendments throughout the years, are still in effect today.

#### **Legal Framework**

- Patent law of the Russian Federation of September 23, 1992, No. 3517-I, This statute creates the

framework of Russian patent law. It discusses the requirements for patent protection and the rights granted to owners of invention patents, utility model patents and industrial design patents. It can be found here: <http://www.russianpeople.ru/ru/node/1061>

- Law of the Russian Federation No. 3520-1 on trademarks, service marks and appellations of origin of goods of September 23, 1992, and of December 27, 2002. This statute creates the framework of Russian trademark law. It discusses the requirements for obtaining a registered trademark and the rights granted to owners of trademarks, service marks, and appellations of origin.
- Law of the Russian Federation on the legal protection of computer programs and databases No. 3523-1 of September 23, 1992, with changes and amendments introduced by the Federal Law No. 177-FL on December 24, 2002. This statute extends copyright protection to computer programs and databases fitting the statutory requirements.
- Law of the Russian Federation on the legal protection of the topologies of integrated circuits No. 3526-1 of September 23, 1992, with changes and amendments introduced by the Federal Law No. 82-FL on July, 2002. This statute extends protection to designs of layout of electrical circuits on a chip that fit the statutory requirements.

Law of the Russian Federation on copyright and neighboring rights No. 5351-I of July 9, 1993, as amended July 20, 2004. This statute creates the framework of Russian copyright law. It discusses issues related to protection of scientific, literary and artistic works (copyright) and of phonograms, performances and the programs of broadcasting.

## **Section IX. Import Procedures:**

### Overview

All imported commodities are classified in accordance with the Codes of the Customs Commodities' Nomenclature of the Foreign Economic Activity of the Russian Federation. Their descriptions can be found online at <http://www.customs.ru/ru/tariffs/>. These codes are similar, but not identical, to the U.S. Customs Service Harmonized Code numbers.

### Import Operations for Products of Animal Origin

When a consignment reaches the Russian border, the importer must give customs operators a bank document verifying that he/she has made a deposit for the assigned duties and taxes. Before a bank can provide documents for customs clearance, the importer must provide proof of business registration, a supplier contract, and veterinary documents permitting imports. Each lot must also have a domestic veterinary certificate (Form No. 2) from the veterinary service at the border. The importer can obtain Form No. 2 by providing the following:

1. Delivery contracts, loading bill, invoice, packing list, and customs declaration [1] ;
2. Veterinary certificate;

3. U.S. veterinary health certificate;
4. Safety certificate;
5. Certificate of conformity; and
6. Certificate of origin.

The following documents are necessary to conduct a sanitary and epidemiological expert examination (SEZ) for imported products:

- Completed application including:
  - a. Application form stamped by the applicant for conduct of inspection of the product being applied for,
  - b. Name and legal address of the applicant (for organizations)
  - c. Last name, first name, and patronymic of applicant or authorized representative;
- Contract or data about the contract to supply the product;
- Copies of documents confirming the product's safety for humans provided by authorities in the country of origin;
- Copies of the regulatory and/or technical documents (technical specifications, regulations, technical instructions, specifications, formulas/compositions, etc.) that were used when manufacturing the imported product;
- Consumer label, draft of consumer label, or data to be included on consumer label;
- Testing protocols and conclusions of the accredited labs (if available); and
- Product samples in the quantity or volume required to conduct a sanitary and epidemiological evaluation if there are no results from previously conducted expert examinations and no evaluation estimates of toxicological, hygienic, or other tests.

The importer must submit one set of documents. Documents in a foreign language must be translated into Russian.

#### Certification of Individual Batches and Shipments Based on the Contract

Importers should submit the following items with the application: [2]

- Contract to supply the product
- Transport documents
- Invoice
- Certificate of origin
- Certificate of quality from the supplier or the manufacturer
- Veterinary certificate (for products of animal origin)
- Phytosanitary certificate (for products of plant origin)
- Veterinary certificate from the country of origin
- Import permit from VPSS (if applicable)

The list of required documents may be extended. Products under tariff rate quota, for example, may require proof that the importer holds an import-quota allocation from the Ministry of Industry and Trade.

## Transport Documents

Transport documents are standard documents required by any national importer.

## Customs Payments

Customs clearance usually occurs at the point of destination and typically takes between 2 and 4 days. All customs documents must be in the Russian language. Customs duties, fees, and the value-added tax (VAT) are usually paid in advance to avoid delays in customs clearance. Customs duties, payments, and taxes depend on the type of product and are calculated based on the customs value of the product (i.e., product value plus transportation cost). The customs value cannot be less than the accepted value, a figure that customs authorities determine.

Traders should use the Russian Customs Tariff and Tax Code to calculate customs duties and fees. Russia's Customs Tariff is a code of import-duty rates that corresponds with Russia's Commodity Nomenclature. Customs duties, fees, and payments are calculated based on rates from the customs value of the goods and are assigned while developing the consignment's customs declaration.

Tariff rates are subject to change, and thus importers and exporters must monitor amendments to the tariff schedule. The official website of the Russian Customs Service publishes tariffs at <http://www.customs.ru/ru/tariffs/>, but information is also available at <http://www.tks.ru/db/tnved/tree>.

## Special Requirements for Importing Individual Commodity Groups

### Meat and Poultry

Products derived from meat processing must comply with Russian and USDA standards. Meat must come from inspected and approved facilities. The USDA Food Safety and Inspection Service's Export Library lists these facilities. It can be found online at [http://www.fsis.usda.gov/Regulations\\_&Policies/Eligible\\_US\\_Establishments\\_by\\_Country/index.asp](http://www.fsis.usda.gov/Regulations_&Policies/Eligible_US_Establishments_by_Country/index.asp). Exporters and importers are also advised to consult the VPSS list of U.S. establishments. It can be found at <http://www.tsouz.ru/db/ettr/Pages/default.aspx>.

### Inspection of Meat Processing and Packing Facilities

#### Poultry

Inspectors from VPSS may examine all facilities that process or store raw poultry intended for export to Russia. After inspection and approval, VPSS includes the establishments on an official list of approved facilities. Facilities must pay all inspection costs. While not honored by the Russian party, the U.S.-Russia Criteria for Processing and Refrigeration Facilities Exporting Poultry to the Russian Federation states the requirements for facilities. To receive additional information on facilities' inspection, inspection criteria, or a list of approved facilities, please contact FSIS's Technical Service Center, Export Division at (402) 221-7400. A list of approved

poultry facilities can be found online at

<http://www.fsis.usda.gov/Frame/FrameRedirect.asp?main=http://www.fsis.usda.gov/OFO/export/RussiaPoulst.htm>.

## Pork

Inspectors from VPSS may examine all facilities that process or store raw pork intended for export to Russia. After inspection and approval, VPSS includes the establishments on an official list of approved facilities. Facilities must pay all inspection costs. To receive additional information on facilities' inspection, inspection criteria, or a list of approved facilities, please contact FSIS's Technical Service Center, Export Division at (402) 221-7400. A list of approved pork facilities can be found online at

<http://www.fsis.usda.gov/Frame/FrameRedirect.asp?main=http://www.fsis.usda.gov/OFO/export/lrupork.htm>.

## Beef

Inspectors from VPSS may examine all facilities that process or store raw beef intended for export to Russia. After inspection and approval, VPSS includes the establishments on an official list of approved facilities. Facilities must pay all inspection costs. To receive additional information on facilities' inspection, inspection criteria, or a list of approved facilities, please contact FSIS's Technical Service Center, Export Division at (402) 221-7400. In July 2008 VPSS ended its ban on U.S. beef and approved several U.S. facilities for export of beef to Russia. A list of approved beef facilities can be found online at

<http://www.fsis.usda.gov/Frame/FrameRedirect.asp?main=http://www.fsis.usda.gov/OFO/export/lrubeef.htm>

## Labeling Information for Consumers

In addition to other regulation, the General Requirements for Consumer Information Regarding Foodstuffs, GOST P 51074-2003, establishes the following requirements:

- Refrigerated poultry meat, offal, consumer-ready products, sausage, or any meat products must be labeled as frozen or chilled;
- Packaging must be labeled for poultry meat, consumer-ready products, culinary items, sausage, products from meat, and culinary items from poultry meat if packaged in vacuum packs or modified gas media (MGM);
- The percentage of meat, fat, offal, and plant-origin components must be listed for canned products – including those from poultry meat, ham, porridges containing meat - and for consistent, finely ground products;
- Recommendations for the product's final preparation are required for consumer-ready canned products.

## Veterinary Drugs, Pesticides, and other Contaminants

Customs Union Decision 299 (May 28, 2010) and its amendments establish permitted levels of veterinary drugs, pesticides, and other contaminants. Maximum permissible levels for meat, poultry meat, and processed products thereof follow:

- Toxic Elements (cadmium, lead, mercury, and arsenic)
- Antibiotics (Chloramphenicol, Grysine, Bacitracin, and the tetracycline group)
- Pesticides (hexachlorocyclohexane – alpha, beta, and gamma isomers)
- DDT (dichlorodiphenyltrichloroethane) and its metabolites
- Radionuclides (cesium, strontium)
- Dioxins

In meat products manufactured using nitrites, maximum permissible levels exist for nitrosamines (total NDMA and NDEA), as well as for benzopyrene in smoked meat products. For all meat products, microbiological indices are established in Customs Union Decision 299 and its amendments.

### Import Quotas

The Russian Federation has tariff-rate quotas (TRQs) regulating the imports of beef, pork, and poultry. The Customs Union sets global access, Russia sets country-specific allocations where they deem them necessary. GOR Resolution 1021 (December 16, 2009) set planned TRQ quantities for these products from 2010-2012. However, Customs Union Decision 505 (November 18, 2010) lowered this earlier planned poultry access for 2011. In addition, the definition of poultry eligible for the in-quota rate changed to allow only frozen chicken parts and frozen deboned meat from both chicken and turkey. Russia has not yet released its determination of country-specific quotas. However, the Ministry of Economic Development has since published draft documents that indicate country-specific allocations will remain unchanged for beef and pork while it will be eliminated for poultry. The levels allocated to each country in pork and beef may also change from earlier expectations, based on MED's proposal to distribute them in accordance with 2008-2010 trade levels. For further information, see GAIN RS1072 "Customs Union Announces Meat and Poultry TRQ Quantities for 2011."

### Other Restrictions

Customs Union Decision 299 disallows the content of chlorine in solutions used for processing poultry carcasses from exceeding the limits established for potable water. On June 2, 2008 the Russian government signed Resolution 33, On Production and Circulation of Poultry Meat, Decree No. 33. In initially establishing the chlorine limitations mentioned above, it established excess water content limitations of 4 percent. See GAIN 8050 "*Chlorine Use in Poultry Production Banned.*"

On June 7, 2008, Russia's Chief Medical Officer [3], Dr. Gennadiy Onishchenko, signed Resolution No. 30, On Approval of SanPiN 2.3.2 2362-08. With the exception of mechanically-separated meat and collagen containing raw materials from poultry meat, the resolution prohibits the use of frozen poultry meat for manufacturing baby food, dietetic nutrition, and specialized food products for pregnant and nursing women, effective January 1, 2010. It further prohibits the use of frozen poultry meat for manufacturing into any type of food product, effective January 1, 2011. Chilled meat and offal are defined as meat and offal obtained immediately from slaughter, cooled to temperatures ranging from 0° to 4° Celsius in deep muscle tissue. Following strong disfavor from the international and domestic community for the restrictions lack of scientific justification, an amendment to reduce these restrictions to only impact frozen poultry used in the production of delicacies or products not subject to thermal processing is currently under consideration by the Ministry of Justice.

## Eligible/Ineligible Meat and Poultry Products

### A. Eligible

- Poultry and poultry products.
- Pork and pork products. Eligible pork and pork byproducts must be produced under an approved USDA/AMS Export Verification (EV) Program for pork to Russia to ensure that Russia's tetracycline and microbiological standards are being met. All pork products intended for export must have been from hogs slaughtered in an establishment eligible to export product to Russia. Also, the eligible slaughter and further processing establishment, including any cold storage facility approved to re-box pork products destined for Russia, is to have produced the product under the AMS EV Program. Information about the EV program can be obtained from AMS' Web site. The USDA Export Verification (EV) Program: Specified Product Requirements for Pork to the Russian Federation provides the specific requirements for exporting U.S. pork and pork products to Russia. Please see:  
<http://www.ams.usda.gov/AMSV1.0/getfile?dDocName=STELPRDC5081929>
- Beef and veal products. Deboned beef, bone-in beef, and beef byproducts derived from cattle less than 30 months of age. The beef and beef byproducts must be derived from cattle raised in the United States and must be processed in a manner to prevent contamination with brain, spinal cord, eyes, skull, and vertebral column regardless of the age of the animal. Eligible beef and beef byproducts must be produced under an approved AMS Export Verification (EV) program for beef to Russia. Information about the EV program for Russia can be obtained from <http://www.ams.usda.gov/AMSV1.0/getfile?dDocName=STELPRDC5058609>
- Prepared products. Effective May 1, 2010, no establishments are approved to export prepared beef products to Russia. Only prepared pork and poultry products and baby food containing beef imported from Australia and/or New Zealand and fully cooked, canned baby food containing lamb are eligible to export to Russia. Pork and poultry for further processing must originate only from establishments approved to export raw pork or poultry to the Russian Federation.

### B. Ineligible

- Raw, ground poultry containing *Salmonella spp.*
- Poultry without flock health certification.
- Beef and beef products other than those identified in the Eligible Products section above, and all bison meat and bison meat products.
- Importation of ground pork and beef, packaged in bulk form or in the form of meat patties, is prohibited by the Russian authorities.
- Lamb, sheep, and goat products.
- Consumer size packages of ground poultry, mechanically deboned poultry, and giblets are not eligible for export to Russia.
- Meat and Poultry imported into the United States from third countries
- Beef products originating from animals raised in states with counties which have had confirmed

bovine cases of vesicular stomatitis within the last 12 months.

- Effective April 30, 2009, all meat and poultry products in passenger bags from the United States will be prohibited.

The list of current meat and poultry export requirements, including restrictions, is available at [http://www.fsis.usda.gov/Regulations\\_&Policies/Russia\\_Requirements/index.asp](http://www.fsis.usda.gov/Regulations_&Policies/Russia_Requirements/index.asp)

For updated status of restrictions due to disease outbreaks:

Food Safety and Inspection Service (FSIS)

Technical Service Center

Omaha, Nebraska

tel. (402) 221-7400

fax (402) 418-8914

For current export requirements:

Food Safety and Inspection Services (FSIS)

Export Coordination Division

tel. (202) 501-6022

fax (202) 501-6929

#### Importation Procedures

In order to bring a product into the Russian Federation at the in-quota tariff rate for beef, pork, and poultry, it is necessary to secure a license. The Ministry of Industry and Trade (MIT) issues this license.

MIT reviews license applications within 5 days of submission and then issues the licenses. Licenses are to be obtained annually or each time the volume of the imported meat increases.

VPSS must then grant an import permit, which the importer must request by letter from the local veterinary directorate for intended meat imports. The local veterinary directorates relay the requests to the central authorities of VPSS. Once granted, permission is sent to the border by telegram [4], indicating the volume and place of origin for the meat that the importer is permitted to bring into the country, as well as the use for which it is approved (retail sale, industrial processing for food purposes, etc.) This process takes two weeks.

Approximately three days before the shipment is due to arrive; the importer must transfer money into a designated bank deposit to pay for customs fees and taxes based on the shipment's value. When the shipment arrives at customs, the importer has to provide documents from the bank certifying payment has been made. The importer must sign an agreement with regional departments in advance, as well as provide documents to prove the business is registered (charter/terms of reference documents), the contract with the supplier, the permission from the veterinary authorities allowing import of the meat, as well as bank confirmation of the transaction.

In order to obtain veterinary certification, the importer must present the documents listed in Section IX, above. Once the shipment has veterinary certification, customs services will permit the cargo to pass through the port.

## Veterinary Certificates

In general, the Russian Federation requires veterinary certificates for products of animal origin. This document certifies that the product complies with the Russian veterinary requirements, and states that the product has been manufactured at a facility approved for export to Russia. According to the Russian sanitary-veterinary requirements, the following categories of products require Veterinary Certificates to be imported to the Russian Federation:

- Live animals, semen and embryos
- All types of meat and meat by-products including poultry
- Milk and dairy products
- Food products of egg-processing
- Materials of animal origin
- Feed and feed additives for animals including pet food
- Fish and sea-products and products of their processing

Customs Union Decision 317 and its amendments establish the list of products subject to veterinary inspection when crossing the border. The list may be found in Russian at <http://www.tsouz.ru/KTS/KTS17/Documents/Пр.1%20Единый%20перечень%20тов.doc>. As a rule, imported products subject to veterinary inspection are required to be accompanied by an appropriate veterinary certificate; it is the responsibility of exporters to ensure that any required certificates and other documents are obtained and that they accompany the shipment.

## Import Permits

On January 9, 2008 the Russian Ministry of Agriculture approved Order No. 1 [6], regarding information concerning certain functions of the Federal Veterinary and Phytosanitary Surveillance Service regarding the issuance of import, export and transit permits.

An import permit must be obtained to import animals, products of animal origin, drugs, feed and feed additives for animals into the Russian Federation. However, it is not required for:

- small domestic animals belonging to citizens (no more than two animals); and
- industrially produced products of animal origin that have undergone thermal treatment, prepared products made from raw materials of animal origin factory-processed, manufactured in accordance with requirements of the standards and regulations when they are imported from countries that are free from infectious animal diseases included in the list of animal diseases that are subject to obligatory notification by the World Animal Health Organization (hereafter – infectious animal diseases), and that are not subject to any restrictions. Permits to import these products are issued by the Chief State Veterinary Inspector of the Russian Federation of the constituent entity to which the regulated cargo is to be imported.

On December 17, 2010, VPSS interpreted amendments to Customs Union Decision 317 that will require “composite products” (such as the latter exclusion above) to have import permits where they fall under Customs Union veterinary control. See <http://www.fsvps.ru/fsvps/news/2734.html> for the interpretation in Russian. A detailed list of products subject to Customs Union veterinary control may be found in Russian at

<http://www.tsouz.ru/KTS/KTS17/Documents/Пр.1%20Единый%20перечень%20тов.doc> .

#### Other Documents

- Certificate of Conformity (the procedure for procuring this document is listed below) or Declaration of Conformity,
- Certificate of origin (not required for all exporting countries),
- Sanitary-epidemiological conclusion (the procedure to obtain this document is listed below),
- Invoice containing information on goods and transportation (for sea transportation – the Bill of Lading, for vehicle transportation - CMR).

#### Import Certificates

Customs Union Decision 299 (May 28, 2010) and its amendments establishes the list of products subject to sanitary-epidemiological control at the border as well as those requiring state registration.

The list of products subject to sanitary-epidemiological control include the following:

- Food products (products in natural or processed form, used for human food) , including those obtained with the use of genetically modified ( transgenic) organisms (from the following groups of single Commodity Nomenclature for Foreign Economic Affairs of the Customs Union (ТН ВЭД ТС): 02-05, 07-09, 11-25, 27-29, 32-34, 35).
- Tobacco and tobacco raw materials (from the group HS TC 24).
- Products made from natural raw materials, are exposed in the process of production processing (from the following groups HS TC : 43 , 44 , 46, 50-53).

The list of products subject to state registration include the following:

- Soft drinks, alcoholic beverages, including alcoholic products, beer .
- Specialty foods, including baby foods, foods for pregnant and lactating women, dietary products ( therapeutic and prophylactic ) food products for feeding athletes (hereinafter - Specialty Foods ) , biologically active food additives , raw materials for production dietary supplements , organic products.
- Foods produced using genetically modified (transgenic) organisms, including genetically modified organisms.
- Food additives, complex food additives, flavorings, vegetable extracts as flavor substances and raw materials, starter cultures of microorganisms and bacterial starter cultures , technological aids, including enzymes .

A detailed list of products subject to mandatory conformity may be found in Russian at

<http://www.tsouz.ru/pages/norma.aspx?IDCL=5c9297f6-0985-4230-a464-027033114ba6&hide=1>

Russian importers must register the products subject to sanitary-epidemiological control with the Federal Service for the Protection of Consumer Rights and Human Wellbeing (Rospotrebnadzor) prior to importation. In lieu of registration, importers may provide a Sanitary-Epidemiological Conclusion on the product.

If the product is registered in the Russian Federation, the Russian importer must obtain a Certificate of

Conformity (or Declaration of Conformity) for each shipment. In practice, the Certificate of Conformity is valid for one year.

Customs Union Decision 319 and its amendments establish the import procedure for goods subject to mandatory conformity. These following products require a Certificate of Conformity:

- Tobacco products
- Animal, Bird, and Fish Feed: Compound feed and feed additives (e.g., soy meal, milk powder, etc.)
- Finished Food Products: Fish, coffee, tea, sugar, spices

A detailed list of products subject to mandatory conformity may be found in Russian at [http://www.tsouz.ru/KTS/KTS17/Pages/P6\\_319.aspx](http://www.tsouz.ru/KTS/KTS17/Pages/P6_319.aspx).

To obtain certification, the applicant must submit the following documentation to the certification body:

- Contract,
- Invoice,
- Bill of lading (CMR),
- Veterinary certificate,
- Veterinary certificate (Form 2),
- Certificate of origin, and
- Label.

The charter/terms of reference of the applicant's business are also necessary, if this is a first application.

Regardless of the procedure for conformity confirmation, the commission takes a sample from the lot of products for identification and laboratory testing, then the commission composes a report on the results of the laboratory tests. The samples are forwarded to an accredited laboratory, where they are tested. Upon completion of testing, the testing records are forwarded to the certification body. A similar set of documents is prepared to obtain the sanitary-epidemiological conclusion, which is issued by an office of Rospotrebnadzor. Based on these documents, the protocol of identification, the testing protocols, the sanitary-epidemiological conclusion and the certificate of conformity are issued.

The sanitary-epidemiological conclusion of a product is valid for one year.

Products not subject to mandatory certification require a Declaration of Conformity.

#### Alcoholic Products

The principal laws and legislative acts regulating Russia's alcohol imports (excepting those indicated in the general section) are:

Federal Law № 171 of November 22, 1995 on State Regulation of Production and Handling of Ethyl Alcohol, Alcohol Products, and Alcohol Containing Products (as amended as of July 27, 2010 by Federal Law № 227).

- Resolution of the Government of the Russian Federation of December 31, 2005, № 866, Labeling

Alcohol Products with Excise Stamps; (Changes were made in Resolution of the Government of the Russian Federation of March 9, 2010, № 136);

- Resolution of the Government of the Russian Federation of December 31, 2005, № 872, Certification Attached to the Shipment Customs Declaration (as amended as of October 10, 2007, № 656);
- Resolution of the Government of the Russian Federation of January 27, 2009, № 50, amending the Resolution of the Government of the Russian Federation of January 19, 1998, № 55, and repealing certain acts regarding the retail sale of alcohol products;
- Resolution of the Government of the Russian Federation of December 1, 2009, №982, replacing the mandatory certification of conformity with a self-declaration system;
- Resolution of the Government of the Russian Federation of February, 24, 2009, №154 “On the Federal Service for Regulation of the Alcohol Market”;
- Resolution of the Government of the Russian Federation of April 21, 2010, №261 “On issue general license of ethyl spirits and alcohol production import”
- Resolution of the Chief Medical Officer of the Russian Federation of June 29, 2009, № 46, “On Supervision over alcohol products”.

Federal Law 171 establishes the legislative groundwork for the production and handling of ethyl alcohol, alcohol products and products containing alcohol in the Russian Federation. Federal Law 171 does not cover the production and handling of beer, nor does it cover the production and handling of natural beverages with alcohol content below 6 percent by volume manufactured from wine materials and produced without fortification with ethyl alcohol. This law delineates special requirements for the production and handling of alcoholic beverages and products containing alcohol. These special requirements include:

- Mandatory marking of products imported into the Russian Federation (ethyl alcohol content exceeding 9 percent by volume of the final product) with excise stamps;
- Documents necessary for import, as well as the documents that are necessary for the supplier and importer to carry out the production and handling of alcoholic beverages and products containing alcohol;
- Registration data about the alcoholic beverages and products containing alcohol in the Unified State Automated Information System (UFAIS);
- Information on the alcoholic product in the Russian language;
- Information about how consumer packaging ensures that one can determine if the product has been tampered with; and
- Quality of the alcohol products brought into the Russian Federation.

Alcoholic products, including wine, may pass through Customs into the Russian Federation only if the importer has a license to procure, store, and import such products. As of January 1, 2010 importers of each category of alcohol (wine and spirits) must have an import license issued by the Ministry of Industry and Trade. Importers may obtain a general import license valid for one year. All importers of alcohol products must have a wholesale license in order to obtain the necessary excise stamps and to produce or distribute and store alcoholic products. The Federal Service for Regulation of the Alcohol Market issues wholesale licenses for a maximum of five years. As of February 1, 2010, the cost to be paid each time an application is made for an alcohol wholesale license is 500,000 Rubles (\$16,000).

The importer is responsible for marking the imported alcohol products with the excise stamps before the products

enter the Russian Federation. To do this, the importer must provide for registration of the imported alcohol product in the Unified State Automated Information System (UFAIS), as well as print data about the alcohol product on the excise stamps, procure such stamps, and attach them to the consumer packaging. The importer bears responsibility for the authenticity of the data as well as for the correctness of their placement on the excise stamps. However, the supplier is responsible for providing the importer with correct information. The following data are placed on the excise stamp, much of the data being provided by the exporter:

- Name of the alcoholic product;
- Type of alcoholic product;
- Ethyl alcohol content;
- Volume of the alcoholic product in consumer packaging;
- Name of producer of the alcoholic product;
- Producer's place of performance;
- Country of origin of the alcoholic product;
- Confirmation of correspondence of the established requirements of quality and safety;
- Confirmation of lawfulness of use on the alcoholic producer's trademark, guarded in the Russian Federation; and
- Other data in accordance with Article 12 of Federal Law "On state regulation of production and handling of ethyl alcohol, alcoholic products and alcohol containing products."

#### Information Requirements

Labeling requirements for alcoholic products in the Russian language are presented in Federal Law 171 and in the National Standards:

GOST P 51074-2003 – Food products. Information for consumer. General requirements

GOST P 52194-2003 - Vodkas & Special Vodkas, Liqueur and Vodka Products

GOST P 52523-2006 – Table wines and table wine stocks. General Specifications

GOST P 51174-98 – Beer. General Specifications

In addition to the general information required for a majority of all imported products, the following specific requirements are needed.

- For beer- The type of beer (light, semi-dark, dark), the value of alcohol by percent (except for non-alcoholic beer and special beer with aromatic and flavored additives), the minimum percentage of ethyl alcohol by volume, bottling date, the composition of the primary raw materials used to manufacture the beer, and the nutritional value must be on the label.
- For wine- In addition to the name and address of the producer, and the organization in the Russian Federation that is authorized to accept claims from the consumer in Russia (if available), the facility that bottled the wine, bottling date or the date it matures (for sparkling wines that age in bottles); the percentage of ethyl alcohol by volume, the mass concentration of the sugars (except for dry wines) should also be indicated. For sparkling wines, flavored wines, and ciders, the name based on the sugar content; the year of harvest (for controlled appellation wines based on the location, as well as for mature wines prepared from the grapes harvested during one year); the expiration date for wine in which the percentage ethyl alcohol by volume is less than 10%, and nutritional value should be indicated on the label as well.
- For alcoholic beverages- The volume of ethyl alcohol, concentration of sugar (if sugar is in the

formulation) by mass, bottling date, the composition (including the list of the primary ingredients influencing the taste and the aroma of the product), the expiration date for beverages in which ethyl alcohol by volume is less than 10 percent.

As of February 1, 2007, a mandatory warning must be displayed on the label about the health risks of excessive alcohol consumption. For all alcohol products, information about the presence of the following is mandatory:

- Food additives;
- Flavorings;
- Biologically active food additives;
- Ingredients of non-traditional products;
- Any components of the product (if any) derived from products of biotechnology; and
- Content of substances that are hazardous to health, determined in conformity with the mandatory requirements of applicable Russian standards and technical regulations.

Russian President Dmitriy Medvedev signed Order #1883 on December 31, 2008 establishing the Federal Service for Regulation of the Alcohol Market (FSRAM).

Russian Prime Minister Vladimir Putin approved and signed Resolution #154 on February, 2009 which defines the functions of the Federal Service for Regulation of the Alcohol Market. According to the resolution the most important function of FSRAM lies in the sphere of control and in the legislative and normative regulation of the alcohol market. FSRAM regulates wholesale licensing and the Unified Federal Automated Information System.

## Safety and Quality

Safety and quality of alcoholic products imported to the Russian Federation must be not lower than those established by Russian standards and regulations. The declaration of conformity is required for imports of alcohol. To clear customs, alcoholic products must be accompanied by documents confirming conformity with Russian standards of safety and quality: the sanitary-epidemiological conclusion and the declaration of conformity. To expedite customs clearance procedures, and to reduce the cost of clearance and temporary storage, it is recommended that sanitary-epidemiological expert examinations and certification of the imported products be conducted approximately one month in advance of the shipment's arrival at customs. To do this, the supplier must provide the following to the importer:

- Product samples of every type and/or name, in sufficient quantities to conduct the sanitary-epidemiological expert examination and certification (as a rule, four bottles of 0.7-0.8 dm<sup>3</sup> capacity or six bottles of 0.5 dm<sup>3</sup> capacity. If the capacities are different, then the total volume of the product to be tested must constitute at least 2 dm<sup>3</sup>; if the product is supplied in kegs, drums, or barrels, then the quantity of the product must be at least 6 dm<sup>3</sup>. Samples for testing are not subject to customs fees.);
- Contract to supply the product (or data about the contract), the annex to the contract or specifications (or the data about it);
- Documents confirming the origin, safety, and quality of the product (issued by the authorities of the country of origin), manufacturer of the product, the certificate of origin or another document confirming the origin, quality certificate and/or protocols of testing, assay and analysis; for products manufactured serially an ISO 9000 certificate of quality;
- Samples or mockups of the label; and

- Power of attorney on behalf of the manufacturer to the Russian firm to carry out activities to certify their products (for products manufactured serially).

All documents, labels, and markings must be translated into the Russian language, and copies and their translations must be certified in accordance with established procedures.

Russian regulatory documentation requirements, which were put in the base for Trilateral Customs Union (Belarusia, Kazakhstan and Russia) are more rigid for particular quality indices and safety indices of the alcohol products. This creates a substantial obstacle to obtaining sanitary-epidemiological conclusions and declaration of conformity. For example, the following information is required:

- Content of methanol, fusel oil, aldehydes, and esters in cognac and brandy;
- Volume of iron in cognac/brandy;
- Volume of total sulfur dioxide, citric acid, reduced extract in wines, in addition to exclusive requirements for the absence of sediment (deposits) in wines (crust on the walls of the bottle or on the bottom of the bottle is only acceptable in special collection wines); and
- Content of preservatives and microorganisms in beer and other low alcohol beverages.

Information about sanitary-epidemiological conclusions and declaration of conformity obtained is entered into a document attached to the shipment's customs declaration that is required for alcoholic products to enter Russian territory. This document also contains information about excise stamps. When buying and shipping ethyl alcohol (including denatured alcohol), if a non-consumer packaged product contains alcohol, and the ethyl alcohol content makes up more than 60 percent of the final product, one must obtain an additional document. This document contains the reference to the number of the Russian national technical regulation or technical specifications with which the product must comply.

The Federal Service for the Protection of Consumer Rights and Human Welfare of the Ministry of Health and Social Development, aka Rospotrebnadzor, is responsible for regulating the quality and safety of alcohol.

As of July 1, 2010 according to Trilateral Customs Union Unified Customs Tariff, alcohol is subject to the following rates of import duties: for beer (2203) – 0.6 euros per liter; for wine (2204) – 20% ad valorem; for alcoholic beverages (2208) – 2 euros per liter of 100% alcohol equivalent.

## Fish and Seafood

The following commodity codes apply for fish and seafood: for live fish, chilled fish, frozen fish, and ground fish: 0301, 0302, 0303, 0304. Code 0305 applies to fish products that are salted, spiced, marinated, cured by drying, dried, or smoked (cold smoked products and hot smoked products). For seafood (shellfish, crustaceans, and other animal origin invertebrates, as well as products resulting from them), the codes are 0306 and 0307.

Imports of fish and seafood must be accompanied by VPSS permits and a veterinary health certificate according to Decision #317. Russia, as a member country of the Customs Union, requires that facilities intending to export fish and seafood must be registered with the VPSS to ship commodities to a member country of the Customs Union.

Starting July 1, 2010, as a result of the Customs Union, Russian fishery producers are obliged to comply with Kazakhstan's technical regulation - requirements for safety of fish and fish products. Producers of fish and seafood in Russia, Belarus and Kazakhstan have to comply with the regulations for product safety, including safety requirements for buildings, territories of companies dealing with fish and processing, market regulations, requirements of processor vessels, for packing and markings, and safety requirements for storage and vehicles. For the most part, the food safety and nutritional value requirements are similar to the Russian SanPiN 2.3.2.1078-01 (Hygiene Requirements for Safety and Nutritional Value of Food Products) with amendments made in 2002-2010.

New Standard Sanitary and Epidemiology and Hygienic Requirements of the Customs Union to Food Product Safety and Nutritional Value for fish and seafood, imported to the Russian Federation, can be found below.

## Chapter 17

### VETERINARY REQUIREMENTS

for the import of live fish, fertilized fish eggs, aquatic animals, crustaceans, mollusks, invertebrates and other aquatic organisms on the customs territory of the Customs union and/or transfer between the Parties

To import into the customs territory of the customs union and (or) movement between the Parties, healthy aquatic organisms are allowed (fish, fertilized eggs, aquatic animals, crustaceans, frogs, shellfish, invertebrates, etc.), raised or harvested in clean waters (seas) originating from economies and administrative territories free from dangerous infectious diseases under "Health Code of aquatic animals," the OIE.

Venomous fish families: (Tetraodontidae, Volidae, Diodontidae and Canthigasteridae), as well as fish containing biotoxins harmful to human health (Ciguatera) are not allowed to be imported into the territory of the customs union.

Bivalve molluscs, echinoderms, tunicates and marine gastropods (hereinafter - the clams) should receive the necessary exposure in treatment centers. A system for control of phycotoxines in shellfish should be developed in the exporting country. The level of phycotoxines and other contaminants in shellfish should not exceed the permissible limits.

Aquatic organisms are supplied in disposable containers.

## Chapter 29

### VETERINARY-SANITARY REQUIREMENTS

for products of fish, crustaceans, shellfish, other fishery objects and products of their processing, imported in the customs territory of the Customs Union and/or transferred between the Parties

It is permitted to import in the customs territory of the Customs Union and/or transfer between the Parties products from water biological resources (live, chilled, frozen fish, caviar, crustaceans, shellfish, mammals and other water animals and species) (hereinafter referred to as the "fish products"), raised or harvested in ecologically clean water reservoir (basins), as well as products of their processing, produced at facilities. Fish products must be tested for parasites, bacterial and viral infections. In case of parasites detecting during the limits of the allowed norms fish products must be detoxified by the existing methods.

It is not permitted to import in the customs territory of the Customs Union and (or) transfer between Parties fish products, which:

- frozen, core temperature in muscle of thigh of which is higher than minus 18 degrees Celsius;

- bacterized with salmonella or agents of other bacterial infections;
- treated with coloring, ionizing radiation or ultra violet rays;
- with changes, typical of contagious diseases;
- of poor quality as for organoleptic indicators;
- subjected to defrostation during storage;
- poisonous fish of families: (Tetraodontidae, Volidae, Diodontidae and Canthigasteridae);
- contain biotoxins, harmful for human health (Ciguatera).

Clams, echinoderms, tunicates and sea gastropods (hereinafter referred to as the “shellfish”) must be subjected to aging in cleaning centers.

During veterinary and sanitary examination fish products must be considered as fit for consumption and must not contain natural or synthetic estrogenic, hormone like materials, thyreostatic drugs, antibiotics, pesticides and other medicated agents.

Microbiological, chemical and toxicological and radiological indexes of fish products, phycotoxins content and other contaminants (for shellfish) must comply with the established in the Customs Union territory veterinary and sanitary rules and requirements.

Russian veterinary officials conducted audits of U.S. fish and seafood food safety system in August 2009. The Russian experts inspected a representative number of processing establishments in the United States. After inspection and approval, VPSS approved a list of establishments eligible to export fish and seafood products to Russia based on the list of fish facilities provided by the U.S. side.

The list of the U.S. fish and seafood suppliers currently approved for export their products to Russia can be viewed here:

<http://fsvps.ru/fsvps/importExport/usa/enterprises.html?productType=7>

Find more information on how to get on the list of approved U.S exporters of fish and seafood to Russia on the official NOAA/NMFS/SIP website.

[http://www.seafood.nmfs.noaa.gov/News\\_Notices\\_10.html](http://www.seafood.nmfs.noaa.gov/News_Notices_10.html)

Importing fish products, as well as products manufactured from the non-fish hydro-bionts (shellfish, mollusks, and other invertebrates), requires presenting the following accompanying documents:

- Invoice and Packing List - The packing list for the invoice should contain the product description in the Russian language (name of the product and kind of packaging), and the lot volume (net weight and gross weight);
- Contract and specifications to the contract - The specification in the Russian language indicates the name of the product, the country of origin, the Russian commodity code (TN VED), and the lot volume;
- Veterinary certificate (in English and Russian, issued by the U.S. Department of Commerce, National Marine Fisheries Service)
- Certificate of origin (Russian officials require this document as proof of the country of origin for all imported food products. It is also used to determine duties and tariffs).

The most important accompanying documents constitute the first three items, including the veterinary certificate. The veterinary certificate issued by the U.S. government-approved authority must accompany all imports of fish and seafood products. The certificate confirms that the product meets all specified health and sanitary

specifications. Fish products exported from the United States are under the jurisdiction of the Department of Commerce's National Marine Fisheries Service (NMFS). Regional NMFS offices issue health certificates for all U.S. exports of fish that meet the Russian Federation requirements. When a product is under scrutiny of the Russian veterinary service, the following documents are reviewed: the certificate of origin, certificate of health (hygienic health), certificate of conformity, and certificate of quality from the manufacturer. These documents, if in proper order, facilitate health inspections.

On April 28, 2009, Ministry of Agriculture Order #462 regarding Rules for Veterinary and Sanitary Laboratory Testing of Fish and Caviar entered into force. The objective of this order is to monitor and set a more rigid control over the safety of fish and caviar, as well as address the government plan to eliminate administrative barriers. The full text of the document in Russian can be viewed at:

<http://www.rg.ru/2009/04/17/ikra-ekspertiza-dok.html>

The order provides rules for veterinary testing for all types and species of fish: wild fish or farmed fish and caviar. According to the order, fish and caviar are subject to veterinary and sanitary laboratory testing with the objective of determining, whether products are fit for human consumption, as well as for fish farming, reproduction and acclimatization. Please refer to GAIN RS9034 "Sanitary and Veterinary Rules for Seafood Testing" for more information.

A label in the Russian language must contain information in accordance with the requirements of GOST P 51074 – 2003:

- Title (name) of the product (commodity name or biological name);
- Fishery location;
- Length and weight of fish (large, medium, small);
- Type of cutting (de-headed, eviscerated, sheet, pieces, etc.);
- Type of processing (salted, smoked cured by drying, etc.);
- Level of saltiness (lightly-salted, slightly-salted, medium-salted, strongly-salted);
- Name and location of the manufacturer [legal address including the country, if it is different from the legal address, then the address (addresses) of the production facility (facilities)] and the organization in the Russian Federation that is authorized by the manufacturer to accept claims from the customers on its territory;
- Trademark of the manufacturer (if available);
- Net weight;
- Nutritional value, vitamin content;
- Storage conditions;
- Period of time spent in storage for both live and frozen fish, for non-fish fishery subjects;
- Shelf life (use by date) for the foodstuffs included into the list of products adopted by the government of the Russian Federation, which are considered to be unfit for being used in accordance with the purpose upon completion of the term;
- Date of manufacture and date of packing [date, month, year (date, month and hour of completion of the technological process for special perishable products)];
- Composition of the product, including all food additives, flavorings, biologically active food additives, ingredients of the products having a non-traditional composition;

- Information about conformity confirmation (when the certificate of Conformity is available);
- Technique and conditions to manufacture ready to consume dishes (for semi-finished products/convenience food);
- Vacuumed packed (when vacuum packaging is used); and
- Location of the fishery area, length and weight of fish, type of cutting, type of processing, level of saltiness, composition of the product, and information on the preparation technique and/or consumption is indicated when required.

The new additions to sanitary and labeling requirements came into force on October 1, 2010.

On April 21, 2010, the Chief Sanitary Officer of the Russian Federation approved Amendment # 17 to SanPiN 2.3.2.1078-01 The Hygienic Requirements for Foodstuff Safety and Nutritional Value as regards to fish and fish products. The new sanitary rules are meant to improve the quality of frozen fish and products, specify weight of glaze applied on different categories of seafood, and provide the consumer with more detailed information regarding the product. Please refer to GAIN 1027 *Amendments to SanPin on Fish* for more details.

The following national standards regulate consumer indices of the products in a particular group:

- GOST R 51493-99, Frozen cut fish and uncut fish, technical specifications;
- GOST R 51494-99, Frozen fillet of marine fish, technical specifications;
- GOST R 51495-99, Frozen squid, technical specifications;
- GOST R 51496-99, Frozen raw shrimp, blanched shrimp, and cooked shrimp, technical specifications;
- GOST R 51497-99, Fish, shellfish, and cuttlefish. dimensional categories.

Other imported goods from fish and seafood must have quality indices in accordance with interstate standards accepted in the CIS countries:

- GOST 1368-91, Fish, all types of processing, length and weight;
- GOST 24896-81, Live fish, technical specifications;
- GOST 814-96, Chilled fish, technical specifications;
- GOST 30314-95, Frozen scallop fillet, technical specifications.

## Live Animals

Live animals, like other animal-origin products, are subject to state border veterinary supervision. Exports from the United States to Russia is possible only for live animals for which the two countries have agreed on a veterinary health certificate.

Customs processing may begin only after VPSS issues the necessary permission. To clear customs, the shipment is subject to state veterinary supervision. Veterinary certificates issued by the border veterinary point must be exchanged for the veterinary certificates from the supplier's country of origin, and the documents accompanying the shipment with the original stamp of the border veterinary point, stating that "release is allowed," and bearing the signature and the personal stamp of the veterinary officer of the border veterinary point and the date.

The following shipments must be accompanied by a veterinary certificate, form N1:

- All animals (agricultural, domestic, wild, zoo, sea, commercial fur, circus, laboratory animals, etc.), and
- All birds (domestic, wild, ornamental, etc.)

Exporters should also take into consideration the following Resolution of the Government of the Russian Federation Number, 1410, The Application of Veterinary Measures on the Import of Live Animals and Products of Animal Origin:

To facilitate Russia's accession to the World Trade Organization, the Government of the Russian Federation decrees:

1. Prior to adopting the documents envisioned by the Federal legislation "Technical Regulation" (Legal Code of the Russian Federation, 2002, N 52, page 5140; 2005, N 19, page 1752), which constitute the regulations establishing mandatory requirements for veterinary safety with respect to live animals that are classified in commodity positions 0101, 0102, 0103, 0104, 0105, 0106, 0301, 0306, 0307 and 9508 of the Commodity Nomenclature of Foreign Economic Activity, when such commodities are brought into the territory of the Russian Federation, one has to be regulated by the veterinary requirements that are in effect in the Russian Federation that do not contradict the Terrestrial Animal Health Code of the World Organization of Animal Health (OIE).
2. It is established that in a case when the veterinary requirements that are in force in the Russian Federation contradict the veterinary requirements that are in force in the World Trade Organization, the norms of the Code shall apply, the Code being referred to on the first page of this resolution.

When brood domestic animals are exported to the Russian Federation, traders should take into account: Resolution 244 of April 24, 2007, exempting from value added tax the following commodity line items:

- From 0102 Brood cattle
- From 0103 Brood swine
- From 0104 Brood sheep and goats

This Resolution came into force as of the date of its official publication and covers legal relations arising as of January 1, 2007.

Where lists are not established, the Customs Union allows Russia to import animals and genetic material, taking into consideration the epizootic situation of the exporter.

#### Milk and Dairy Products

The requirements for the import of dairy products are much like the requirements for the majority of animal origin products. However, not all dairy products require a veterinary certificate and import permit. Please consult those specific sections within this report or your importer for further details. More information pertaining to specific tariff lines can also be found at <http://www.tks.ru/db/tnved/tree>.

The definition of "milk" changed in 2008. The Russian President signed a Law on "Technical Regulations for Milk and Dairy products" on June 14, 2008. The Technical Regulations concern milk and milk products as well as their production, storage, transportation, sale and utilization of milk and milk products. The new term "milk

beverage” (referring to milk produced from non-fat dry milk, whole milk powder, condensed milk, or concentrated milk) has created great concern in the dairy sector as dry milk is widely used in the industry. Dairy product producers fear that the term “milk beverage” will reduce consumption and result in lower prices for dry milk. As a result, adoption of this law in practice has been slowly implemented.

Dairy products may not contain melamine. The Russian Chief Medical Officer and the Federal Service for the Protection of Consumer Rights and Human Well-being of the Ministry of Health (Rospotrebnadzor), signed Resolution No. 56 dated October 21, 2008, that bans the use of melamine in dairy products and adds it to the list of monitored products in food items.

## Grains and Oilseeds

Grains and oilseeds are subject to phytosanitary inspection and can be imported only after VPSS issues an import quarantine permit. The import permit is issued on the basis of the phytosanitary certificate from the authorized agency of the exporting country. VPSS also may require a document on pesticides and agrochemicals that were used in growing, storing, processing and handling of imported crops. The main procedures and requirements are described in paragraph “General Requirements for Products of Plant Origin” in section VI of this report.

For most grains and oilseeds a veterinary certificate is also required as grains and oilseeds are considered feeds of plant origin. The veterinary requirements for feeds of plant origin for productive animals are stipulated in the VPSS’s document dated back in 1999: <http://www.fsvps.ru/fsvps-docs/ru/importExport/requirements/files/3-5.pdf>. The actual imports of feeds of plant origin is based on the negotiated certificates for these feeds between the Russian VPSS and the relevant authorities of the exporting countries. The Russian side allows imports of feeds of plant origin, as well as other products subject to veterinary control, only from approved enterprises.

Some grain products require Rospotrebnadzor’s sanitary-epidemiological conclusion. For example, this conclusion is required for the grains from gramineous plants, which are used for food, or food products manufacturing, not for kernels, because they are not separated from ears and stalks. Sanitary-epidemiological conclusion is also necessary for importing rapeseed (canola), both crushed and non-crushed, used for food purposes or for manufacturing food products, and seeds and fruit of other oil-bearing crops, crushed or non-crushed, that are used for food purposes or for manufacturing food products.

VPSS issues certificates of quality for grain and processed grain products for export and import. These certificates may be obtained also in independent commercial agencies accredited by the VPSS. However, none of these independent agencies has been accredited by VPSS so far.

In 2009 VPSS clarified that the quarantine ban on imports of corn planting seeds from the United States does not apply to corn imported for processing either for food or feed use.

## Fruits, Vegetables, Nuts, and Dried Fruits

Even with the Customs Union now in force, most of the import rules and requirements for nuts, fruits, and vegetables remain unchanged. However, the procedures and documentation process on the Russian side has changed.

According to the Commodity Nomenclature of the Customs Union, fruits, vegetables, and nuts are under the following commodity codes, similar to the Russian Commodity Nomenclature:

Fruits fresh or dried: 0803, 0804, 0805, 0806, 0807, 0808, 0809

- apples (0808 10 800)
- pears (0808 20 500)
- grapes (0806 10)
- cherries (0809 20 5)
- oranges (0805 10), grapefruits (0805 40 000 0)
- lemons (0805 50 100 0) and limes (0805 50 100 0)
- strawberries, blueberry, raspberry, blackberries under the heading 0810

Vegetables, fresh or chilled: 0701, 07020.000, 0703, 0704, 0705, 0706, 0707 00, 0708, 0709

- potato (0701)
- tomato (0702 00 000)
- onion, shallots (0703)
- cabbage (0704)
- carrots, celeriac (0706)
- legumes (0708)

Nuts, fresh or dried, whether or not shelled or peeled: 0801, 0802

- cashew (0801 31 000 0, 0801 32 000 0)
- almonds (0802 11, 0802 12)
- hazelnut shelled (0802 21 000 0, 0802 22 000 0)
- walnut (0802 31 000 0, 0802 32 000 0)
- pistachios (080250)
- pecan 0802 90 200 0

Dried fruits and vegetables:

- dried apricots (0813 10 000 0)
- prunes (0813 20 000 0)
- dried grapes (0806 20)
- fruits dried, other than that of headings 0801-0806, mixtures of nuts or dried fruits of this chapter (0813 except apricots and prunes) -
- dried leguminous vegetables, shelled, whether or not skinned or split (0713)
- dried vegetables (0712)

Please see the commodity codes list on <http://www.tsouz.ru/db/ettr/tnved/Pages/default.aspx>

The importer has to undertake several steps while handling fresh produce imports into the Russian Federation:

1. Import quarantine permission. Prior to the product shipment, the Russian importer should apply and receive an import quarantine permit from the Russian Federation Veterinary and Phytosanitary Surveillance Service

(VPSS). (Note: Importers don't need to present a phytosanitary certificate from the exporting country in order to obtain the Import Quarantine Permit although it will be required for the declaration of conformity, please see below.) Usually, the importer gets a one year import permit for a defined list of and amount of products.

2. The importer must obtain a declaration of conformity prior to product shipment. This document certifies that the product conforms to GOST quality standards of the Russian Federation. The certification bodies approved by the Russian authorities have the right to issue the declaration of conformity. The declaration can be issued for one shipment or according to the contract for several shipments. For fresh fruits and vegetables, the declaration of conformity is issued based on a copy of the contract and phytosanitary certificate of the exporting country authorities. For an incoming shipment the importer also attaches copies of transportation documents including: the invoice, bill of lading, and packing list. For nuts and dried fruits, the importers additionally submit a quality certificate from the producer/packer and certificate of origin, although this last item is not obligatory. Some importers claim they provide a letter from the exporting countries laboratories certifying that the shipped product is GMO free. The certificate of Conformity will accompany the product use and sales in Russia.

3. Prior to the customs clearance, fruits, vegetables, nuts, and dried fruits must be inspected by the Russian Federation Veterinary and Phytosanitary Surveillance Service.

Fruits, vegetables, and nuts (fresh, dried ,canned, frozen ) are subject to sanitary-epidemiologic inspection, based on Decision #299 on use of Sanitary Measures in the Customs Union. This inspection checks whether the imported produce complies with the chemical, radiological, biologically active, microbiological, pesticide content norms of the Russian Federation. The Customs Union Commission adopted the Unified Sanitary – Epidemiological requirements that can be found here:

<http://www.tsouz.ru/KTS/KTS17/Documents/Гл.ИІ%20Р.1%20Пищевые%20продукты.doc> . For the most part, the requirements are similar to the Russian SanPin 2.3.31078-01 and amendments made in 2002-2010. The pesticide and chemical maximum residue limits (MRL's) in agricultural crops are found in <http://www.tsouz.ru/KTS/KTS17/Documents/Гл.ИІ%20Р.15%20Пестициды.doc>, similar to Russian Hygiene Norms for the Presence of Pesticides in the Environment (HN 1.2.1323-03 with 13 additions made in 2003-2010).

Fruits, vegetables, nuts, and dried fruits go through phytosanitary control, according to the Decision of the Customs Union Committee # 318 of June 18, 2010). The aim of the control is to inspect the condition of the imported produce and and inspect for the presence of harmful quarantine organisms in the shipment. Please see the products list under phytosanitary control in Gain RS1058 Customs Union List of Imported Products under Phytosanitary Control and the list of quarantine pests (in Russian and Latin) on the site: <http://www.fsvps.ru/fsvps/laws/238.html>.

The packaging of the imported products must comply with Russian standards regulation GOST. Please see Section III, above, and <http://www.bpks.ru/catalog/gosts/001.067>

For fresh fruits, vegetables, nuts, dried fruits sanitary-epidemiological surveillance is conducted by VPSS.

Fresh produce importers must provide VPSS inspectors the contract originals, an invoice, bill of lading, packing list, declaration of conformity <sup>2</sup>, phytosanitary certificate from the exporting country authorities (APHIS for American produce) <sup>3</sup>, safety certificate for some produce from European and South American countries <sup>4</sup>; for nuts and dried fruits quality certificate, and other safety document previously submitted for declaration assurance are attached. The importers can ask the shipper for the list of pesticides used during cultivation to provide to VPSS. For nuts and dried fruit clearance the importers can ask the fumigation certificate be prepared for inspection. The VPSS inspector examines the documents and upon passing inspection is stamped with “Release permitted” on the bill of lading and serves as proof that the cargo has passed the quarantine control and was released by VPSS.

3. Customs clearance. The importer must provide: contract, bill of lading stamped by VPSS, invoice, packaging list, phytosanitary certificate from the exporting country, quality certificate for nuts and dried fruits, declaration of conformity, and customs duties and VAT proof of payment. Then customs will release the cargo.

The customs duties account for percentage from the customs value <sup>5</sup> of the shipment in U.S Dollars or Euros. The customs duties are calculated according to the Unified Customs Tariff list accepted by Customs Union Commission in the Decision #130 on the 27 of November 2009. Please see the tariffs on the link: <http://www.tsouz.ru/db/ettr/tnved/Pages/default.aspx>

The 18% VAT is taken from the customs value summarized with customs duties of the product; for fresh vegetables VAT is 10%.

Below are the customs duties for major fresh produce categories:

- Apples (0808 10 800)  
From January 1 to July 31 -0.1 Euro per kilogram (kg)  
From August 1 to December 31 - 0.2 Euro per kg
- Pears (0808 20 500) - 10% duty from customs value
- Grapes (080610), cherries (0809 205) -5%
- Oranges (0805 10), grapefruits (0805 40 000 0) - 5%, but not less than 0.02 Euro per kg
- Lemons (0805 50 100 0) and limes (0805 50 100 0) - 5%, but less than 0.035 Euro per kg
- Strawberries, blueberry, raspberry, blackberries under the heading 0810 - 10% duty

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<sup>2</sup> It is critically important for the successful customs clearance of nuts and dried fruits, the same producer/ packer shows up in the quality certificate, the declaration of conformity, and on the packaging of the boxes or bags.

<sup>3</sup> The phytosanitary certificate must be printed out, not filled in handwriting. The **netto weight** must be identified in the document. All windows of the document should be filled. If there is the window requesting information not applicable for the current shipment, the empty window should be marked with cross. Each of these defects in filling the phytosanitary certificate causes Customs authorities questions to importers and needs extra effort and time for shipment clearance, that makes the American produce more expensive and less competitive on the market.

<sup>4</sup> Safety certificate is obligatory for some produce from European and South American countries. It is certifying minimal residue level of pesticides and chemicals. This certificate can issue definite laboratories approved by VPSS.

<sup>5</sup> Customs value is the product value and cost of the product shipment to the point of customs clearance.

-Potato (0701); onion (0707); cabbage (0704); carrots, beets, celeriac (0706); legumes (0708) -15%  
- Fruits frozen (0811) - 10 % duty customs value in U.S. Dollars or Euros  
-Vegetables frozen (0710); vegetables dried (0712); legumes dried (0713) -15%

-Nuts (0801, 0802 fresh or dried, whether or not shelled or peeled) - 5 % duty from customs value -Almonds (080211, 080212); cashew shelled (0801320000); hazel-nut shelled (0802 22 000 0) - no customs duty  
-Dried apricots (0813 10 000 0); prunes (0813 20 000 0); dried grapes (0806 20) – 5 % duty  
-Fruits dried, other than that of headings 0801-0806, mixtures of nuts or dried fruits of this chapter (0813 except apricots and prunes) - 10 %

Customs tariffs: <http://www.tsouz.ru/db/ettr/tnved/Pages/default.aspx>

### Typical Errors When Supplying Foodstuffs to Russia

Listed below are the most common reasons for prohibiting or suspending suppliers' imports of foodstuffs to Russia:

- Absence of the sanitary-epidemiological conclusion for the products (55.4%);
- Absence (non-conformity) of labeling (41.0%);
- Non-conformity with sanitary-hygienic requirements (2.4%); and
- Non-conformity with transportation terms and conditions (1.2%).

Sometimes imports are detained because importers (legal entities, individual entrepreneurs) do not request official information from the producer about the safety of the product, including the use of pesticides. The contracts signed to supply the food products do not spell out the issues relating to labels in the Russian language; and/or return of potentially dangerous products to the supplier is not specified. Other problems include price discrepancies, documentary discrepancies (e.g., wrong health certificate, different products described in bill of lading and health certificate), supplying meat products from uncertified (unapproved) facilities, and failure to pay fees.

Exporters should be prepared for requests for the following documents from importers:

- For food materials of plant origin - information about the pesticides used when growing the plants, fumigation of the premises, storage methods of pest control, etc.;
- For food materials of animal origin – information about the use of pesticides indicating the name of the pesticide and the pesticide expiration date; and
- Documents confirming the quality and safety of products for human consumption.

1) These documents must include a contract between the buyer and the supplier, a consignment layout showing how the transportation vehicle was loaded (e.g., on pallets), and an export declaration showing the value of the consignment.

2) For details see Post's report RS7081 Products Subject to Border Veterinary Inspection  
<http://www.fas.usda.gov/gainfiles/200711/146292933.doc>

3) For details see Post's report RS8019 "New Procedures for Issuing Permits" at  
<http://www.fas.usda.gov/gainfiles/200803/146294075.doc>

## **Appendix I. Government Regulatory Agency Contacts:**

Federal Service for Technical Regulation and Metrology (formerly Gosstandart)

Moscow, Leninskiy Prospekt, 9

Tel: 011 7 (495) 236-0300,

Tel: 011 7 (495) 237-5468, fax: 011 7 (495) 236-6231; (495) 237-6032

<http://www.gost.ru/wps/portal/>

Federal Service for Protection of Consumer Rights and Human Well-Being (Rospotrebnadzor)

Moscow, Vadkovskiy per. 18/20

Tel: 011 7 (499) 973-2690 , fax. 011 7 (495) 200-0212, 258-4497

Tel: 011 7 (499) 973-2666, 973-1803, 973-2674, fax 011 7 (495) 258-4497

Certification Center Tel: 011 7 (499) 973-1571, 973-1976, 973-2710

<http://www.rospotrebnadzor.ru/>

Russian State Agricultural Research Institute of Control, Standardization, and Certification of Veterinary Substances

Moscow, Zvenigorodskoye Shosse 5

tel. 011 7 (495) 253-1491, 253-1472, 256-0381

Federal Service for Veterinary and Phytosanitary Surveillance

Orlikov per., 1/11

107139 Moscow

Russian Federation

Tel. 011 7 (499) 975-4347, fax 011 7 (495) 607-5111

<http://www.fsvps.ru>

Federal Service for Regulation of the Alcohol Market (Rosalkohol)

125993, Moscow, Miusskaya pl. 3, bld. 4

Tel: +7 (495) 662-5052

<http://www.fsrar.ru>

Certification bodies

VNIIS – issues certificates of conformity

All-Russian Scientific-Research Institute for Certification (VNIIS)

Electricheskiy per. 3

Moscow

tel. 011 7 (495) 253-3580, fax 911 7 (495) 253-3360

ROSTEST– all procedures for quality control and safety control

“Rostest - Moskva”, Russian Center for Test and Certification, GOSSTANDART

Nakhimovskiy prospect, 31

117418 Moscow  
tel. 011 7 (495) 129-3200, fax 011 7 (495) 124-9966

REA-TEST  
Stremyanniy per., 36  
Moscow  
tel. 011 7 (495) 958-2939

PRODEKOTEST  
Kozhevnickeskaya ul., 1a  
Moscow  
tel. 011 7 (495) 235-7390

**Appendix II. Other Import Specialist Contacts:**

Russian Federation web sites include:

Ministry of Health and Social Development: <http://www.minzdravsoc.ru/>

Ministry of Economic Development:

<http://www.economy.gov.ru/wps/wcm/connect/economylib4/en/home/about/>

Federal Customs Service of Russia: <http://www.customs.ru/en/>

Ministry of Agriculture: <http://www.mcx.ru/>

Ministry of Industry and Trade: <http://www.minprom.gov.ru/>